



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent Application of:	)
David LINDNER	)
	) Examiner: Kenny S. LIN
Application No. 09/454,566	)
	) Conf. No: 3884
Filed: December 7, 1999	)
	) Art Unit: 2154
For: A METHOD FOR ADAPTING A	j
COMPUTER-TO-COMPUTER	) Atty Docket No: SAA-25
COMMUNICATIONS PROTOCOL	j
FOR USE IN AN INDUSTRIAL	)
CONTROL NETWORK	j

#### PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Mr. Derek Woods OFFICE OF PETITIONS PO Box 1450 ALEXANDRIA, VA 22313-1450 RECEIVED

SEP 0 2 2004

OFFICE OF PETITIONS

Dear Mr. Woods:

This letter is in reply to the Notice of Abandonment dated January 8, 2004. The above-identified application became abandoned for failure to file a timely and proper reply to a Notice of Allowance dated August 23, 2003. Applicant hereby petitions for revival of this application.

#### CERTIFICATE OF TRANSMISSION

I do certify that this correspondence, along with the Issue Fee Transmittal, a Deposit Account Statement, a Acknowledgement Post Card, and two FAX receipts are being facsimile transmitted to the United States Patent and Trademark Office, FAX No. (703) 872-9306 on May 7, 2004.

09/08/2004 AKELLEY 00000005 193875 09454566 Sale Ref: 00000007 DRH: 193875 09454566 01 FC:1453 1330.00 DA

Richard A. Baker, Jr.

Please charge the Petition Fee for Petition (37 CFR 1.17(m)), in the amount of \$1,330.00 and the Issue Fee of \$1,330 (for a total amount of \$2660) to the Deposit Account 19-3875 (SAA-25). The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment to this Deposit Account.

\$ince this utility patent application was filed after June 8, 1995, no terminal disclaimer is required.

The entire delay in filing the required reply to the Notice of Allowance until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. On November 20, 2003 Karen Pyka mailed the Fee Transmittal on the present application to the US Patent and Trademark Office, charging the Issue Fee to Deposit Account 19-3875, as evidenced by the attached Fee Transmittal form. On that date, the Deposit Account had sufficient funds to cover the issue fee, as seen in the attached Deposit Account Statement. The USPTO received the Fee transmittal on November 24th, as seen in the attached Acknowledgement Post Card. However, the Deposit Account balance fell below the amount need to cover the Issue Fee on November 24th and was not replenished for several days, as seen in the attached Deposit Account Statement. As a result, the present application became unintentionally abandoned.

Since the time that we received the Notice of Abandonment, we have diligently attempted to revive this application, as evidenced in the two FAX receipts of Petitions for Revival under 37 CFR 1.137(a). These petitions were sent without knowledge of the deficiency of the Deposit Account as described above.

### PATENT 09/454,566

Applicants request that the USPTO grant this petition and allow the present application to issue as a US Patent.

Respectfully submitted,

By:

Richard A. Baker, Jr. Reg. No. 48,124

SCHNEIDER ELECTRIC AUTOMATION BUSINESS

1415 South Roselle Road

Palatine, IL 60067

Telephone: 978/975-9789 Facsimile: 847/925-7419

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#### PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to; Mail Mail Stop ISSUE FEE

Commissioner for Patents Alexandria, Virginia 22313-1450

or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Parent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for meintenance fee notifications.

CURPENT CORRESPONDENCE ADDIESS Ofor Lapley mark-up with any correspins or was Block I) Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying 08/20/2003 7590 papers. Each additional paper, such as an assignment or framal drawing, must have its own excitinate of mailing or ususpission. SOUARE D COMPANY INTELLECTUAL PROPERTY DEPARTMENT Cartificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmitted is being deposited with the United
States Postal Service with sufficient postings for first class mail in an envelope
addressed to the Mail Stop ISSUE FPB address above, or being facetimals
mainstrained to the USPTO, on the date indicated below. 1415 SOUTH ROSELLE ROAD PALATINE, IL 60067 AUG 2 7 2004 (Depositur's name Karen (Signature) TRADEM 20, 2003 November (A)pm( ATTORNEY DOCKET NO. CONFIRMATION NO. FIRST NAMED INVENTOR APPLICATION NO. FILING DATE SAA-25 (122,161) DAVID'T LINDNER 09/454,566 12/07/1999 TITLE OF INVENTION: METHOD FOR ADAPTING A COMPUTER-TO-COMPUTER COMMUNICATION PROTOCOL FOR USE IN AN INDUSTRIAL CONTROL SYSTEM DATE DUE ISSUE FEE PUBLICATION FEE TOTAL FEE(S) DUE SMALL ENTITY APPLN, TYPE \$1300 S1300 11/20/2003 NO nonprovisional CLASS-SUBCLASS ART UNIT **FXAMINER** 700-009000 LIN, KENNY S 2154 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). 2. For princing on the patent front page, list (1) the 1 Michael J. Femal names of up to 3 registered patent apportuge or agents OR, alternatively, (2) the name of a single Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) strecked. Larry I. Golden firm (having as a member a registered attorney or agent) and the upmes of up to 2 registered patent

will be printed. Number is required.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type) PLEASE NOTE: Unless an assignce is identified below, no assignce dam will appear on the patent. Inclusion of assignce data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover, Completion of this form is NOT a substitute for filing an assignment. (B) RESIDENCE: (CITY and STATE OR COUNTRY)

(A) NAME OF ASSIGNEE

SCHNEIDER AUTOMATION INC.

12 "Bee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer

North Andover, MASSACHUSETTS

attorneys or agents. If no name is listed, no name

Please shook the appropriate assigner category or categories (will not be printed on the patent); 4a. The following foc(s) are malosed: 4b. Payment of Fce(s): D A check in the amount of the fee(s) is enclosed, 📜 Issue Fee Q Payment by credit capd, Form PTO-2038 is atmohed. D Publication Fco of The Director is hereby anthorized by (charge the required feets), or credit my overpayment to Deposit Account Number — 1875 ☐ Advance Order - # of Copies

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply mry proviously paid issue fee to the application identified above

(Date) (Authorized Signature) NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant a registered attorney or agent, or the sanguee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1,311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1,14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application from to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form sudder suggestions for reclacing this projeten, should be sent to the Chief Information Officer, U.S. Putent and Trademark Offices, U.S. Department of Commence, Alexandria, Virginia 22313-1450. Do NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patenta, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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### Attachment E



# United States Patent and Trademark Office





#### **Deposit Account Statement**

Requested Statement Month:

Deposit Account Number:

Name:

Attention:

Address:

City: State:

Zip:

November 2003

193875

SQUARE D. COMPANY

LARRY I. GOLDEN 1415 S. ROSELLE ROAD

**PALATINE** 

IL

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Applicants:

LINDNER et al,

Docket No.

**SAA-25** 

Serial No. Filed:

09/454,566

Date: Attorney ReL November 20, 2003

Examiner;

December 7, 1999 LIN, Kenny S.

Conf. No. Group Art Unit:

MJP/kp 3884 2154

Title:

METITOD FOR ADAPTING A COMPUTER-TO-COMPUTER COMMUNICATION PROTOCOL FOR USE IN AN

INDUSTRIAL CONTROL SYSTEM

Englosed:

Issue Fee Transmittal with authorization to charge fcc, one (1) page, in duplicate; three (3) sheets of Formal laked Drawings

comprising FIG.'s 1-4, together with this posteard.

The date stamp of the U.S. PTO hereon acknowledges receipt on the date indicated thereby, of the above identified CPD-39

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PETTION FOR REWYAL OF AN APPLICATION FOR PATENT ABANDONED UNIAVOIDABLY UNDER 17 CIR 1,137(a)	59A-25
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Application Number 09/454, 566 Boston LIN, 12	surry 5
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E.2) Busy E.4) No facsimile connection

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PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent Application of: David LINDNER Examiner: Kenny S. LUN Application No. 09/454,566 Conf. No: 3884 Filed: December 7, 1999 Art Unit: 2154 For: A METHOD FOR ADAPTING A COMPUTER-TO-COMPUTER COMMUNICATIONS PROTOCOL FOR USE IN AN INDUSTRIAL CONTROL NETWORK Atty Docket No: SAA-25

#### PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Mr. DEREK WOODS OFFICE OF PETITIONS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Mr. Woods:

This letter is in reply to the Notice of Abandonment dated January 8, 2004. The above-identified application became abandoned for failure to file a timely and proper reply to a Notice of Allowance dated August 23, 2003. Applicant hereby petitions for revival of this application.

CERTIFICATE OF TRANSMISSION

### Attachment D



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: David. T. Lindner

Serial No.: 09/454,566

Filed: Dec. 7, 1999

Title: Method for adapting a computer-to-computer protocol ...

Group Art Unit: 2154

Examiner: Lin, Kenny S.

#### FURTHER RESPONSE TO DECISION ON PETITION

(VIA FACSIMILE TO 703-872-9306)

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OFFICE OF PETTIONS

Office of Petitions
U.S. Patent and Trademark Office

Attn: Mr. Derek Woods

PO Box 1450

Alexandria, VA 22313-1450

mailed 28 July 2004.

Sir:

The following is further in response to a Decision on Petition

In the above case a Notice of Abandonment was received on Jan. 8, 2004, for failure to file a timely and proper response to a Notice of Allowance dated August 23, 2003. A response to the Notice of Allowance was filed, but there was not enough money in the deposit account to cover the fees due.

A petition to revive under 37 CFR 1.137(a) was filed via facsimile January 29, 2004. This petition was filed without knowledge of the deficiency in the deposit account. The petition was dismissed in a Decision on Petition mailed 28 July 2004.

#### CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

Deposited with the United States Postal Service with sufficient postage as first class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: 8.25.04

Signature

Mrs. Cathy Sturmer

(type or print name of person certifying)

FACSIMILE

Transmitted by facsimile to the U.S. Patent and Trademark Office.

(The petition mailed January 29, 2004, was refaxed on March 24, 2004, because of not having received an answer to the petition filed by facsimile on January 29, 2004.)

Another petition was filed on May 7, 2004, after discovering that the deficiency in the deposit account was the reason the Notice of Abandonment was mailed. This other petition has yet to be acted on, and applicant requests here that the other petition -filed May 7, 2004 -- be considered to be in response to the Decision on Petition mailed 28 July 2004.

Applicant has now discovered another reference that applicant would like to have considered before the case issues, assuming the decision on the petition filed May 7, 2004, is favorable. reference to be considered, the case must be withdrawn from issue.

Per a phone conversation with Mr. Derek Woods, we are enclosing a copy of the petition filed May 7, 2004 (Attachment A), a copy of a power of attorney appointing the undersigned as an associate attorney in this matter (Attachment B), and a petition to withdraw from issue (Attachment C) in order to consider further references provided by in an Information Disclosure Statement, also enclosed (Attachment D), and a corresponding request for continued examination (Attachment E), as well as all fees for same except for the issue fee, which is to be paid out of the deposit account indicated in the petition of May 7, 2004.

\*\*\*If any fee and/or extension is required in addition to any enclosed herewith, please charge Account No. 23-0442. (In particular, if there is any deficiency in the deposit account indicated in the May 7, 2004, petition, please charge the issue fee and any other fees indicated to be charged to that account instead to Account No. 23-0442.)

Aug. 25, 2004

WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP 755 Main Street, P.O. Box 224 Monroe, CT 06468-0224 (Cust. No.: 004955)

Respectfully submitted,

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## Attachment A